

HOUSE BILL NO. 205

INTRODUCED BY PARKER

BY REQUEST OF THE SUPREME COURT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT BOND FORFEITURES IN A FELONY CASE BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTION 46-9-511, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-9-511, MCA, is amended to read:

"46-9-511. Forfeiture procedure. When an order of forfeiture is not discharged, the court having jurisdiction shall proceed with the forfeiture of bail as follows:

(1) if money has been posted as bail in a misdemeanor case, as defined in 45-2-101, the court shall pay the money to the treasury of the city or county where the money was posted; ~~or~~

(2) if money has been posted as bail in a felony case, as defined in 45-2-101, the court shall pay the money to the department of revenue for deposit in the state general fund; or

~~(2)(3)~~ (3) if other property is posted as a condition of release, the property must be sold in the same manner as property sold in civil actions. The proceeds of the sale must be used to satisfy all court costs and prior encumbrances, if any, and from the balance, a sufficient sum to satisfy the judgment or forfeiture must be paid ~~into the treasury of the city or county where the case is pending~~ as provided under subsection (1) in a misdemeanor case or under subsection (2) in a felony case.

~~(3)(4)~~ (4) If a surety bond has been posted as bail, execution may be issued against the sureties or the surety company in the same manner as executions in civil actions."

NEW SECTION. Section 2. Effective date. [This act] is effective ~~on passage and approval~~ JULY 1, 2005.

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